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EPA REGION VII

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

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OCT 02 1991

SUPERFUND BRANCH

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

SEP 26 1991

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

of pages >

From: <i>Ron McCutcheon</i>	From: <i>Thos Cutler</i>
Dept./Agency	Phone #
Fax # <i>913 551 5035</i>	Fax #
NSN 7540-01-317-7368	5099-101

GENERAL SERVICES ADMINISTRATION

SUBJECT: Addendum to Region X's Request for Concurrence on the Proposed Toppenish Onion Field Removal Action, Toppenish, Washington. --
TRANSMITTAL MEMORANDUM

FROM: Stephen D. Luftig, Director
Emergency Response Division

Steve Luftig

01KF

TO: Henry Longest, II, Director
Office of Emergency and Remedial Response

30290333



Superfund

DUDD

Background: This memorandum serves to clarify Region X's request for your concurrence on the proposed removal action for the nationally significant Toppenish Onion Field asbestos site in Toppenish, Washington. Region X requests concurrence because OSWER policy considers removals where the principle contaminant of concern is asbestos to be nationally significant or precedent setting.

Discussion: The action memorandum's enforcement section and confidential attachment address the compliance history at this site. Because of this history, Region X is not going to issue a 106 order to the PRP for this action. As stated in the enforcement section, the PRP (Pacific Aqua-Tech, Ltd. (PACLtd)) has had numerous citations against it by the State of Washington for violations regarding inappropriate asbestos removal procedures and unhealthful conditions for employees. Based on the seriousness of the violations (several willful violations including the failure to inform persons of the presence of asbestos), as well as the seriousness of the health threat, Region X has no confidence that the PRP will respond in a timely or effective manner, and wishes to undertake the removal action itself. Because of this, the Region does not believe it is a worthwhile investment of scarce staff resources to pursue a unilateral order. OWPE agrees with this. Appropriate cost recovery actions will be taken after the response and the threats have been abated.

Recommendation: Based on the nature of this removal action and the emergency situation it represents, I recommend you concur on the proposed removal action at this site. Region X has this money within its removal allowance to fund and initiate this response immediately. Please indicate your concurrence by signing the Region X concurrence memorandum of September 18, 1991, or forwarding this package to the Assistant Administrator for Solid Waste and Emergency Response for his decision if you choose not to concur.

United States
Environmental Protection
AgencyRegion 10
1200 Sixth Avenue
Seattle, WA 98101Alaska
Idaho
Oregon
WashingtonReply To
Attn Of: HW-113MEMORANDUM

DATE: September 18, 1991

SUBJ: Request for Concurrence on a Proposed Nationally
Significant or Precedent-Setting Removal

FROM: Charles E. Findley, Director *CF*
Hazardous Waste Division

TO: Henry Longest, Director
Office of Emergency and Remedial Response

The purpose of this memorandum is to request your concurrence on the proposed removal action at the Toppenish Onion Field Site in Toppenish, Washington. Redlegation of Authority R-14-I-A gives you the authority to concur on nationally significant or precedent-setting removals. The OSC has discussed his proposed removal with staff of HQ's Emergency Response Division. ERD has advised the OSC that this removal is considered nationally significant or precedent-setting because asbestos is the principle contaminant of concern. I have been delegated the authority to sign removal action memoranda not exceeding \$2,000,000.

The Action Memoranda for the Toppenish Onion Field site is attached for your review. My approval awaits your concurrence.

Concur:

(for) Timothy Liddle, Jr.
Director, Office of Emergency and Remedial Response

9/27/91
Date

According to the redelegation, authority to non-concur remains with the Assistant Administrator. If you choose not to concur on this action, please forward this memo to the Assistant Administrator.

Non-concur:

Assistant Administrator for Solid Waste and
Emergency Response

Date

Concur:

Assistant Administrator for Solid Waste and
Emergency Response

Date



Reply To
Attn Of: HW-093

MEMORANDUM

DATE: September 18, 1991

SUBJECT: Action Memorandum for a Removal Action at Toppenish Onion field Site, Toppenish, Yakima County, Washington (Site ID #:M8)

FROM: Thor Cutler, On-Scene Coordinator. *Thor Cutler*

TO: Charles E. Findley, Director
Hazardous Waste Division

THROUGH: Philip Millam, Chief, Superfund Branch *Philip Millam*
James Everts, Chief, Superfund Response and Investigations Section *James M. Everts*

I. PURPOSE

The purpose of this action memo is to request and document approval of the proposed removal action described herein for the Toppenish Onion Field site, Toppenish, Yakima County, Washington.

II. SITE CONDITIONS AND BACKGROUND

The CERCLIS ID number for this site is:(WAD988493565). This is a time-critical removal.

The Environmental Protection Agency (EPA) On-Scene Coordinator (OSC) was forwarded a file on 9/12/91 that documents the Toppenish Fire Department response to an emergency call and subsequent notification of significant accumulations of friable asbestos (ASB). The OSC observed the location where ASB containing debris was dumped at the site. The OSC confirmed the presence of ASB based on samples analyzed by EPA Manchester Lab.

The EPA Technical Assistance Team (TAT) was dispatched to the site on September 13, 1991 to document the site conditions.

The site includes a dump containing approximately 4,000 cubic feet of ASB, equivalent of 108,000 square feet of ASB. A produce storage facility borders the dump to the east and an operating farm, borders the dump to the north, west, and south. The dry and strong winds of the area facilitate the ASB exposure to adjoining active properties and therefore the site conditions warrant immediate action.

A. SITE DESCRIPTION

1. REMOVAL SITE EVALUATION

The site's key problem area includes an unsecured outside dump in a former onion lagoon which contains debris and insulation material containing high concentrations of friable ASB.

The ASB material was first discovered at the site near Toppenish, Washington by the Toppenish Fire Department during response to an emergency call for assistance. An employee fell and injured himself while removing ABS containing material from the former U and I Sugarbeet Processing plant, now known as and owned by Pacific Aqua-Tech Limited (PACLtd), a tire recycling facility. The fall victim required decontamination prior to admittance to the hospital. Employees of Mr. Gerhard Zimm, owner of PATLtd had been assigned to strip insulation from pipes and tanks at the main facility. A site assessment was done on 9/13/91 at the outside dump site located adjacent to an adjoining warehouse and an adjoining active farm. No preliminary assessment (PA) nor listing site assessment (LSI) have been done at the site.

2. PHYSICAL LOCATION

The site is located in a farming and residential mixed area. Two schools are within 1/2 mile. There are approximately 1000 residences within a 1 mile radius, of which an operating farm, S P Farms and Rasmussen's Warehouse are adjacent. This is 1/8 mile north of the city limits of Toppenish on State highway 22. A produce storage warehouse borders the dump to the east and an operating farm, S P Farms borders the dump to the north, west, and south. The pathways of the ASB to humans include airborne inhalation and direct contact.

3. SITE CHARACTERISTICS

The site includes a fifty acre former U and I Sugar plant currently used as a tire storage and recycling facility owned by Pacific Aqua-Tech, Limited whose owner is Mr. Gerhard Zimm. A produce storage facility which employs 18 workers borders the dump to the east and an operating farm, S P Farms which employs 62 to 304 worker (seasonal variation), borders the dump to the north, west, and south. We are concerned that the potential air pathway of ABS includes the immediate area occupied by the above mentioned workers.

This site is not federally owned. No state or local government body is owner. This is a first removal at this site.

OSC Cutler, Armina Nolan (EPA ASB expert), and EPA TAT visited the site and observed the ASB. The EPA-TAT conducted a site assessment which included enforcement sampling. Samples analyzed for ASB at the EPA Manchester Lab, confirm the outcropping dump debris contain high concentrations exceeding 25% ASB. ASB is a hazardous substance defined by Section 101(14) of Superfund, 42 U.S.C. section 9601(14).

The following details the contamination:

A. Outcropping ABS Debris

Total volume of hazardous waste outcropping at the dump is estimated to be 4000 cubic feet of ASB. Of the debris dumped on the site, samples confirm they contain ASB concentrations exceeding 25 percent. This is equivalent to 108,000 square feet of number 5 ASB. The overall tonnage is estimated to be twenty (20) tons. ASB is a hazardous substance as defined under CERCLA section 101.

B. Soils

The extent of contamination of the ASB is unknown at this time. Soil contamination levels exceeding CERCLA standards, if any, need to be determined.

Unique characteristics of the site include highly friable harmful ASB located outside, adjacent to an active warehouse and farm, and unsecured. The climate is arid and windy which facilitates the ABS air contaminant pathway.

4. RELEASE OR THREATENED RELEASE INTO THE ENVIRONMENT OF A HAZARDOUS SUBSTANCE, OR POLLUTANT OR CONTAMINANT

Unique characteristics of the site include highly harmful friable ASB solids that are releasing directly into the environment. The location is accessible to the public. The threat of inhalation and direct contact to workers and residents exists. Potential contact to people or residents in the area is evident.

Total volume of hazardous ASB waste that is outcropping is estimated not to exceed twenty (20) tons. The total volume of contaminated soils is unknown at this time, it is estimated to be 50 cubic yards.

5. NPL STATUS

This is not an NPL site. No remedial activities are in progress. No actions are proposed at this time. The site is not proposed to be ranked by the HRS. ATSDR has been notified but has not evaluated the site at this time. The Department of Commerce natural resource trustee coordinator has been informed of the site but has not evaluated the site at this time. At this time there is no need to evacuate the area.

6. LOCATION MAPS.

Figure one shows the location of the site with respect to the city of Toppenish, Washington.

Figure two shows the site map location of the residence and proximity to the State Highway 22.

B. OTHER ACTIONS TO DATE

There are no actions to date by federal nor state governments on this site. No current actions are under way at this site.

C. STATE AND LOCAL AUTHORITIES' ROLES.

The State of Washington Department of Ecology (Don Beery) has been notified. The Yakima Clean Air Authority (YCAA) (Tom Silva) has been notified. The YCAA is unable to obtain funds in a timely manner to address this site. The state/locality will not fund a removal.

III. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

Conditions presently exist at the site which if not addressed by implementing the response plan documented in this Action Memorandum may present a possible eminent and substantial endangerment to the public health or welfare or the environment. Conditions at the site meet the criteria for a removal action as stated in the National Contingency Plan (NCP), 40 CFR Section 300.415 as follows:

A. THREATS TO PUBLIC HEALTH OR WELFARE

1. Actual or potential exposure to nearby human population, animals or the food chain from hazardous substances or pollutants or contaminants - A direct contact risk, an ingestion/inhalation threat and a threat to nearby soils exist from the high ASB concentration solids known to exist in the outcropping dump. The area is unsecured.
2. High levels of hazardous substances or pollutants or contaminants in soil largely at or near the surface that may migrate - Surface soils have not been sampled. Any release will migrate by air to the surrounding soils.
3. Weather conditions that may cause hazardous substances to migrate or be released - The climate is arid and commonly experiences strong winds. The dump ABS containing outcrops are open and provide physical movement of the pollutants and contaminants through the air to local populations.

B. THREATS TO THE ENVIRONMENT

1. Actual or potential exposure to nearby human population, animals or the food chain from hazardous substances or pollutants or contaminants - A threat to surface soils, and adjacent agricultural land exist from the high concentration ASB in the containers.

IV. ENDANGERMENT ASSESSMENT

Actual and threatened release of hazardous substances from this site, if not addressed by implementing the response action selected in this action memorandum, may present an imminent and substantial endangerment to public health, or welfare, or the environment.

V. PROPOSED ACTIONS AND ESTIMATED COSTS

The following options were evaluated:

1. No action- does not mitigate the site problems.
2. Off site disposal and treatment.
3. On-site treatment.

Number two (2), off-site disposal and treatment option is selected based on effectiveness of the action and cost effectiveness.

A. SCOPE OF WORK

Secure the site with fencing or security guard. Overpack and manifest the material for transportation to an EPA approved facility for ASB material disposal. Determine the extent of contamination in the soil. Remove and dispose of the debris and soils contaminated with the ASB to an EPA approved facility.

1. CONTRIBUTION TO REMEDIAL PERFORMANCE

No further action will be required if the proposed removal action completes the cleanup.

2. DESCRIPTION OF ALTERNATIVE TECHNOLOGIES

Alternative technologies were considered however they do not meet the timely response objective.

3. EE/CA

This applies only to non-time critical responses. This is a time-critical response.

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4. APPLICABLE OR RELEVANT AND APPROPRIATE REQUIREMENTS
(ARARs)

FEDERAL ARAR's

The Federal ARAR's determined to be practicable for the site include the Toxic Substances Control Act (TSCA). National Environmental Standards for Hazardous Air Pollutants (NESHAPS) also applies. Disposal requirements will be met.

STATE ARAR's

State standards are promulgated to Yakima County Clean Air Authority (YCCAA), a county authority that controls the transportation of ASB.

5. PROJECT SCHEDULE

The response action to stabilize the site will take 14 days from the beginning of the project. Sampling and remobilization to further excavate, transport and dispose of wastes may be warranted. The project can start as soon as the action memo is signed.

B. ESTIMATED COSTS

The estimated costs to accomplish the cleanup are itemized below and total 160,650 dollars. This estimate is subject to change due to the unknown extent of contamination of ASB in soils which may increase the costs significantly.

ESTIMATED COSTS

A. EXTRAMURAL

ERCS	\$ 100,000
TAT	\$ 10,000
subtotal extramural	\$ 110,000
15% contingency	\$ 16,500
SUBTOTAL EXTRAMURAL	\$ 126,500

B. INTRAMURAL

EPA direct	\$ 10,000
EPA indirect	\$ 10,000
subtotal	\$ 146,500
PROJECT CONTINGENCY 10%	\$ 14,650

TOTAL PROJECT COSTS	\$ 160,650
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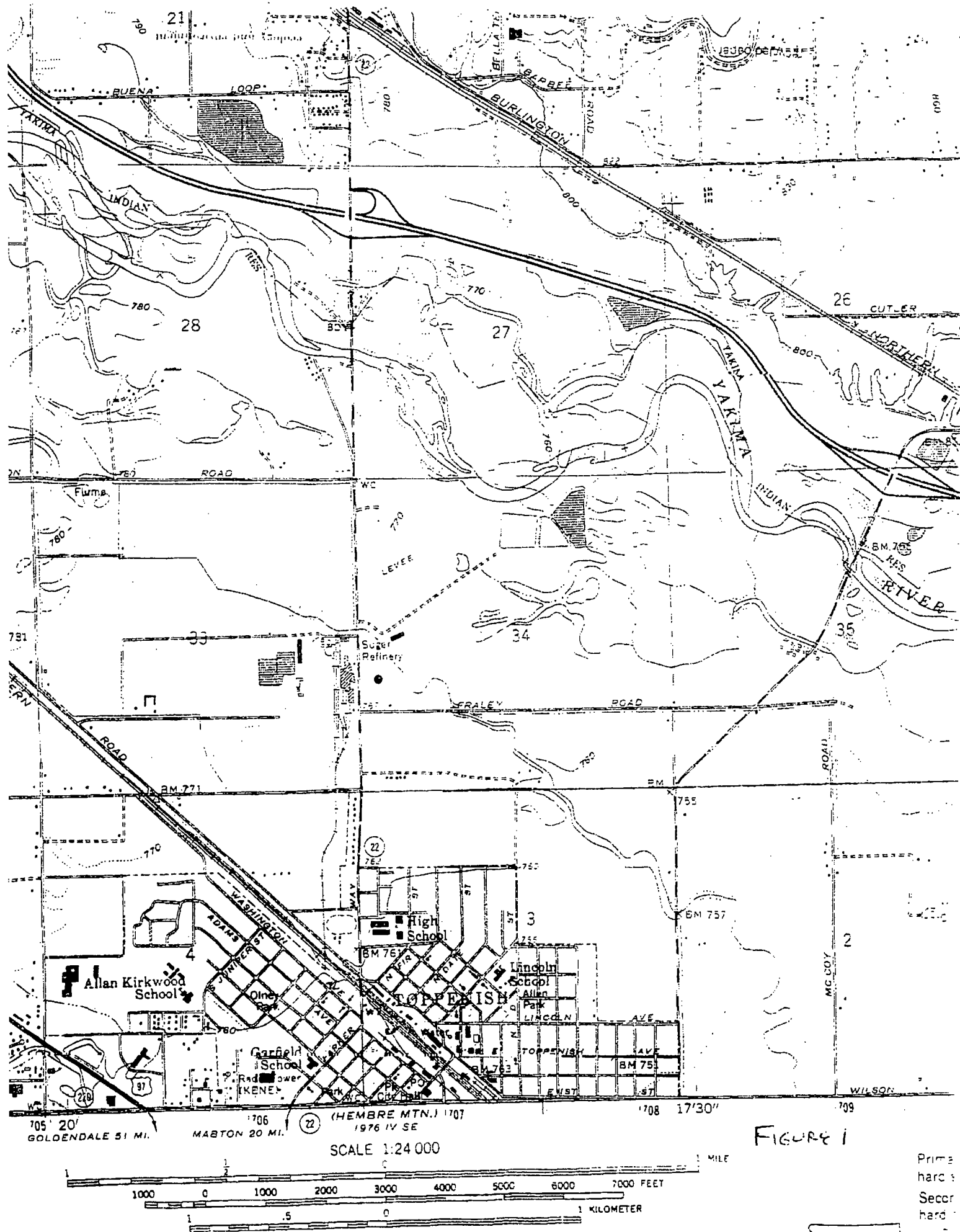
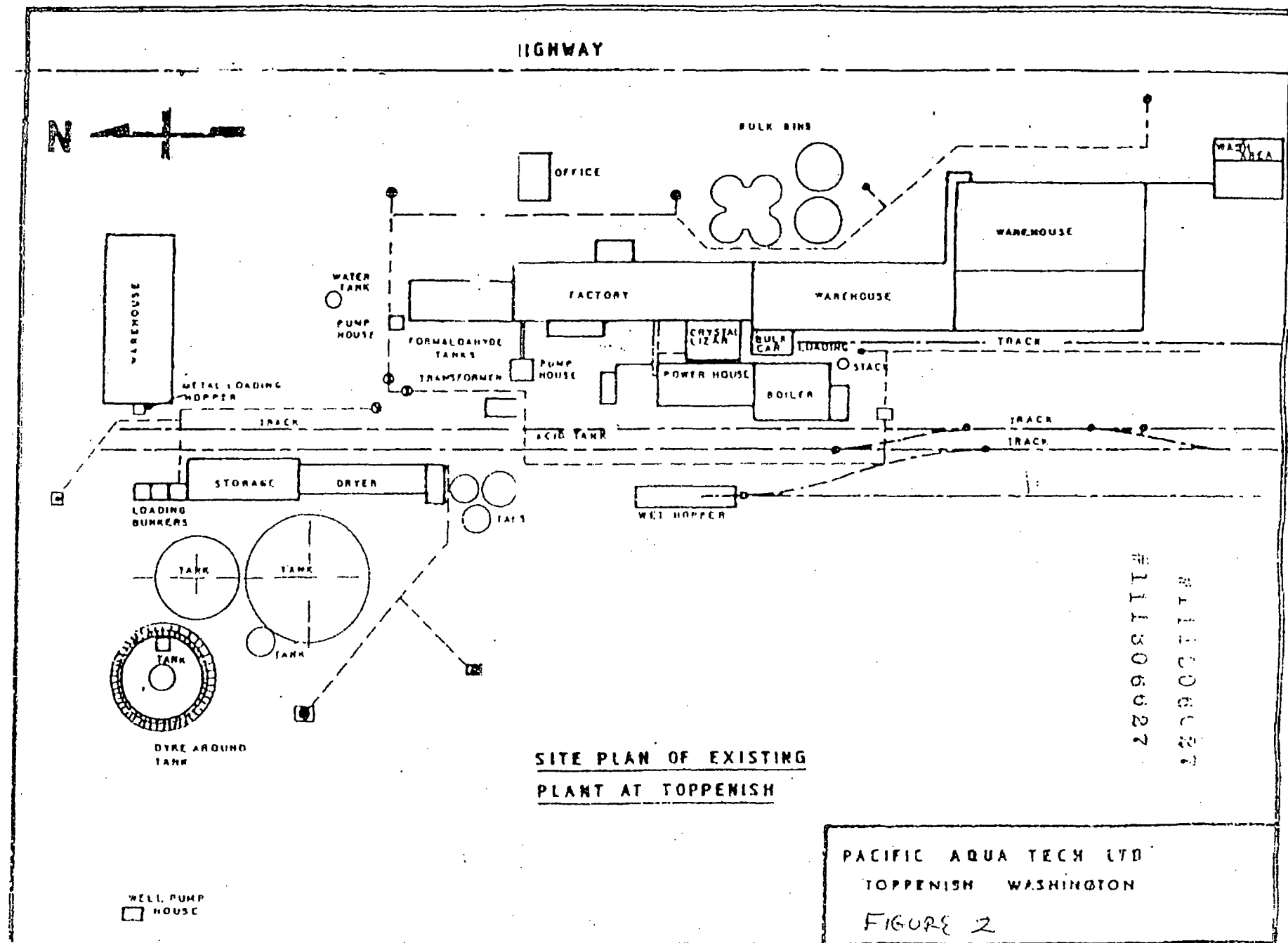


FIGURE 1

Primary
hard
Secondary
hard



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IV. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN.

Delayed action would increase public health risks to the adjacent population due to a continuing risk of the release of ASB. In addition, there is a concern that the ASB may be moved if action is not taken.

VII. OUTSTANDING POLICY ISSUES

According to the Guidance on Non-Removal Actions Involving Nationally Significant or Precedent Setting Issues detailed in the memorandum from Henry Longest dated March 3, 1989, The Office of Emergency and Remedial Response considers removals where asbestos is the principle contaminant of concern to be nationally significant or precedent setting.

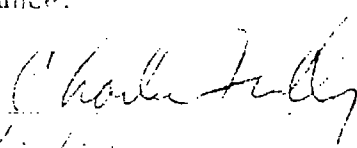
VIII. ENFORCEMENT

See enforcement confidential page.

IX. RECOMMENDATION

Conditions at the site meet the NCP section 300.415(b)(2) criteria for a removal and I recommend your approval of the proposed removal action. The total project ceiling is approved and will be 160,650 dollars. Of this, an estimated 126,500 dollars comes from the Regional removal allowance.

SIGNATURE

APPROVE: 

DISAPPROVE:

DATE: 7/30/91